

Make Sure You're Eligible for CAURD

Who is eligible for a CAURD License?

Applications must be led by someone who is both

Justice
Involved



Have Business
Ownership
Experience

SIGNIFICANT PRESENCE IN NEW YORK STATE

Meeting All Eligibility Requirements

- When getting ready to apply for a CAURD license the most important step is making sure you meet all the eligibility requirements.
- This means making sure that the dispensary you're planning to open must be owned and controlled by a person who is **both justice involved and has previous business ownership experience.**
 - The ownership minimums will be discussed in greater detail in the section on “Preparing for Your Application”. That information is also in the CAURD FAQs on the OCM website.
- This same person must also control the management, managers, or policies of the dispensary.
- **NOTE: Applications will be evaluated on a range of specific factors related to the justice involved individual with sole control of the dispensary.**

What does justice involved mean?

- Justice involved means someone whose life was impacted by a conviction for a marijuana-related offense
- This doesn't just mean the individual who was convicted
 - It also includes certain family members of people who were convicted of a marijuana-related offense
- To be considered justice involved, you or your family member had to be:
 - Convicted of a marijuana-related offense in New York State
 - Convicted before March 31, 2021
 - Able to prove the arrest/conviction with paperwork submitted as part of your application



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Does it have to be a conviction?

YES

- You, or your parent, spouse, or child must have a conviction for a marijuana-related offense to be eligible for a CAURD license
- The conviction for marijuana-related offense must have happened in NYS before March 31, 2021



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What convictions count ?

- NYS PL (Penal Law) conviction for one (or more) of the charges below:
 - PL 221 Offenses Involving Marihuana
 - PL 240.36 Loitering in the First Degree
 - PL 220 Controlled Substance Offenses
- Note: For the charges listed above cannabis/marihuana must be listed somewhere in your conviction paperwork
- Justice Involved applicants must provide information on at least one eligible marijuana-related offense but may submit information on multiple marijuana-related convictions
- Additionally, other convictions may count if they involved marijuana

What convictions count?

- PL 220 – Controlled Substances Offenses (must be marihuana-related)
- PL 221.05 – Unlawful Possession of Marihuana in the Second Degree
- PL 221.10 – Unlawful Possession of Marihuana in the First Degree
- PL 221.15 – Criminal Possession of Marihuana in the Fourth Degree
- PL 221.20 – Criminal Possession of Marihuana in the Third Degree
- PL 221.25 – Criminal Possession of Marihuana in the Second Degree
- PL 221.30 – Criminal Possession of Marihuana in the First Degree
- PL 221.35 – Criminal Sale of Marihuana in the Fifth Degree
- PL 221.40 – Criminal Possession of Marihuana in the Fourth Degree
- PL 221.45 – Criminal Sale of Marihuana in the Third Degree
- PL 221.50 – Criminal Sale of Marihuana in the Second Degree
- PL 221.55 – Criminal Sale of Marihuana in the First Degree
- PL 240.36 – Loitering in the First Degree (must be marihuana-related)
- Other convictions may count if marihuana was involved



What if I plead to a lesser offense after I was charged with a marijuana-related crime?

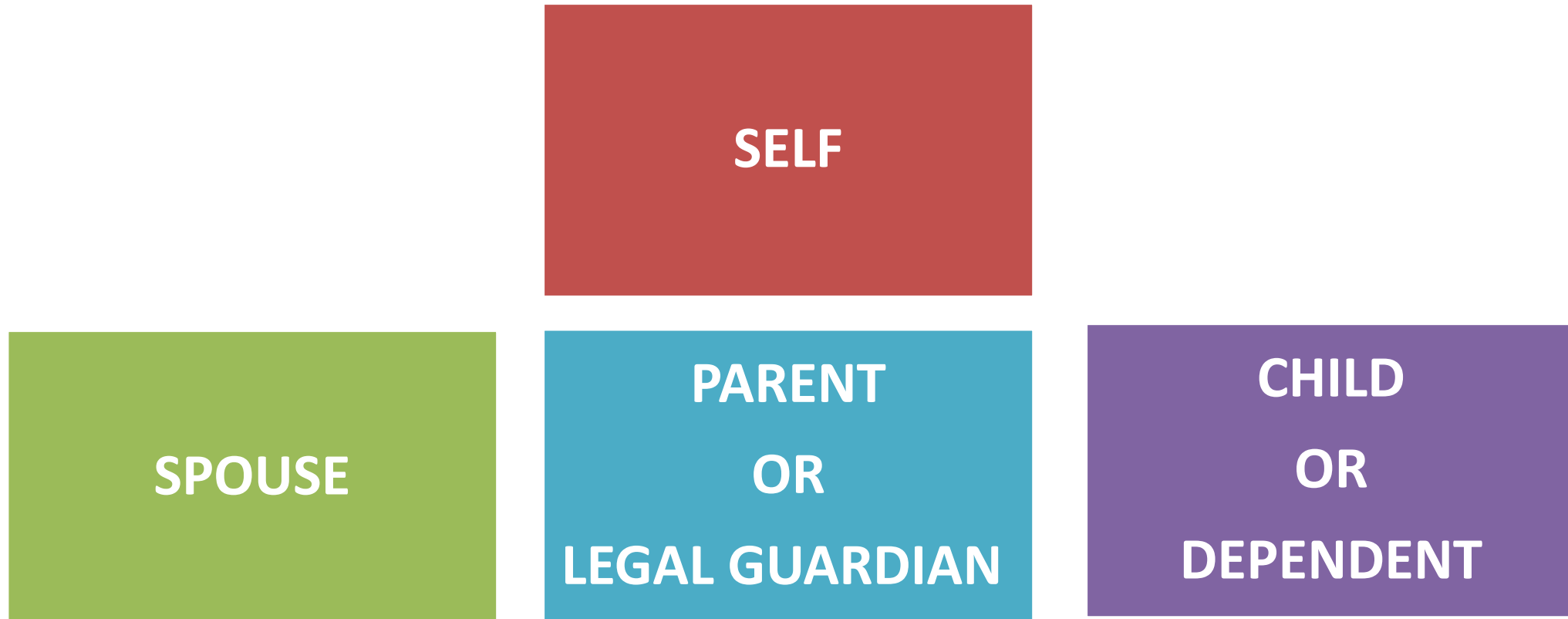
- Some people who are arrested and charged with marijuana-related offenses end up convicted of something else
- This often happens when individuals accept a plea agreement
- In many cases this means an individual will eventually be convicted of a non-drug offense or lesser charge
- You may still qualify as justice involved if the paperwork associated with your arrest or conviction mentions a PL Sections 220, 221 or 240.36 charge with marijuana

Reminder: A marijuana-related offense is:

- Conviction for any of the following:
 - PL 221 Offenses Involved Marihuana
 - And where the substance involved was marihuana
 - PL 240.36 Loitering in the First Degree
 - PL 220 Controlled Substance Offenses
- Arrest for one of the above listed offenses which led to a conviction for another offense including a non-drug offense or lesser charge

Who can be justice involved?

This isn't just the person arrested or convicted



Justice Involved: SELF

- This means that **you, yourself**, were convicted of a marijuana-related offense in New York State
- If you were convicted multiple times, you can submit information about each arrest/conviction – as long as it was related to marijuana/cannabis



Ashley's Story

Ashley was smoking cannabis outside of a bar in May 2005 when she was stopped by a police officer and arrested for cannabis possession. Ashley was taken into custody and eventually charged with Unlawful Possession of Cannabis in the Second Degree (NYS PL §221.05). Ashley hired a lawyer who was able to negotiate a plea agreement and she was convicted of Disorderly Conduct and ordered to complete community service.



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Does Ashley count as justice involved for the purposes of a CAURD application?

Ashley's Story

YES!

Even though Ashley was convicted of a lesser offense, she did have a marijuana-related offense and does count as justice involved.

In order to prove her justice involvement Ashley will need to submit her arrest/charge paperwork including the marijuana-related charge as part of her CAURD application.



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Phil's Story

Phil was stopped by the police while driving home from a party in July 1998. When the officer approached his car, he noticed the smell of cannabis. The officer administered a field sobriety test and arrested Phil. Phil was later tried and convicted of Driving While Ability Impaired by Drugs.

Does Phil count as justice involved for the purposes of a CAURD application?



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Phil's Story

NO!

Phil did not have a marijuana-related offense as defined by the Office in regulation. Therefore, he does not count as justice involved and is not eligible for a CAURD license.



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Justice Involved: SPOUSE

- If your legal spouse has a marijuana-related conviction listed above – you are justice involved
- You must be (or have been) legally married
- Same sex partners may submit proof of a domestic partnership prior to the passage of the Marriage Equality Act in 2011

Amanda's Story

Amanda and her long-term partner Martha have lived together since 1992, many years before they were legally able to marry in New York State. In 2002 they filed paperwork to be officially recognized as domestic partners. Prior to that, in 1997, Martha was arrested for cultivating cannabis and convicted of criminal possession of cannabis in the 3rd degree (NYS PL §221.20).



Does Amanda count as justice involved person through her relationship with Martha for the purposes of a CAURD application?

Amanda's Story

YES!

Amanda had a relationship that OCM has determined qualifies as a spouse for these purposes and that spouse was convicted of marijuana-related-related offense in NYS before 3/31/2021. Therefore, Amanda counts as justice involved.

Amanda should gather documentation to prove they were domestic partners and Martha's marijuana-related-related conviction.



Patricia's Story



Patricia and Andrew were married in 2001. Two years later, Andrew was arrested and convicted of Criminal Sale of Cannabis in the First Degree (NYS PL §221.55). Eventually, Patricia and Andrew divorced in 2012.

Does Patricia count as justice involved person through her former marriage to Andrew for the purposes of a CAURD application?

Patricia's Story



YES!

Patricia had a spouse who was convicted of a marijuana-related-related offense in New York State prior to 3/31/2021. Therefore, she counts as justice involved.

Patricia will need documentation proving her legal marriage to Andrew as well as his conviction for a marijuana-related-related offense.

Justice Involved: CHILD or DEPENDENT

- If your child has a marijuana-related conviction listed above – you are justice involved
- Your child can be someone you are biologically related to or someone who was in your care (i.e., your dependent)
- Your child could have been convicted of a marijuana-related offense a minor or an adult

Diana's Story

Diana is a single mother from Syracuse and in 2007, her fifteen-year-old daughter Samantha was arrested for possessing cannabis. Eventually, Samantha was convicted of Unlawful Possession of Cannabis in the Second Degree (NYS PL §221.05).

Does Diana count as justice involved person through her relationship with her daughter for the purposes of a CAURD application?



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Diana's Story

YES!

Diana had a child who was convicted of a marijuana-related offense in NYS before 3/31/2021. Therefore, Diana counts as justice involved.

Diana will need to submit documentation proving her daughter's conviction as well as their relationship (e.g., a copy of Samantha's birth certificate).



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Terry's Story

Terry is a married father of three from Buffalo, NY. In 2005, Terry's adult son, Marcus, was arrested for selling cannabis. At the time of his arrest and conviction Marcus was 25 years old and no longer lived at home with Terry. After going to trial, Marcus was convicted of Criminal Sale of Cannabis in the Second Degree (NYS PL §221.50).

Does Terry count as justice involved for the purposes of a CAURD application?

Terry's Story

YES!

Even though, Terry's son was an adult and no longer lived at home at the time of conviction, Terry did have a child who was convicted of a marijuana-related offense in New York State before 3/31/2021. Therefore, he counts as CAURD eligible.

Terry would need to gather paperwork and documentation proving his relationship to his son as well as his son's conviction.

Justice Involved: PARENT or GUARDIAN

- If your parent or guardian has a marijuana-related conviction listed above – you are justice involved
- This conviction could have occurred before you were born, while you were a minor, or while you were an adult
- Parent or Guardian includes someone you're biologically related to as well as individuals who were your legal guardian while you were a minor – this can be demonstrated through custody papers, tax documents and other forms of documentation

Jason's Story

In 1996, Jason's mom met her long-term boyfriend Stanley when Jason was two years old. Even though Stanley never married Jason's mom and didn't adopt Jason, he has been like a father to Jason – he helped raise Jason and contributed to supporting Jason paying rent and other bills. In 2004, when Jason was 10 years old, Stanley was arrested and convicted of selling cannabis (NYS PL §221.50).

Does Jason count as justice involved through his relationship to Stanley?



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Jason's Story

Maybe...

Jason would need to show that Stanley was his legal guardian or that Jason was a dependent of Stanley's to count as justice involved through his relationship with Stanley.

Jason would need documentation proving legal guardianship and/or how he was a dependent of Stanley (for example – if Stanley ever claimed Jason on his taxes). Jason would also need documentation proving Stanley's conviction.



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Ava's Story



Ava grew up in Brooklyn where she was raised by her mom and grandmother. Ava's father Freddy was not present in her life growing up – she never lived with him and he never financially supported her. In 1993, when Ava was 9 years old, her father Freddy was convicted of Criminal Sale of Cannabis in the First Degree (NYS PL §221.55).

Does Ava count as justice involved through her relationship with her father even though they never lived together?

Ava's Story

YES!



Ava had a parent who was convicted of a marijuana-related offense in New York State before 3/31/2021. Therefore, she is justice involved.

Ava would need to gather documentation on her father's arrest as well as proof of their relationship (i.e., birth certificate).

Matt's Story

Matt is the youngest of three children. In 1998, when he was 13 his older sister Alison was arrested for selling cannabis and convicted of Criminal Sale of Cannabis in the Fifth Degree (NYS PL §221.35). Matt and Alison lived together with their parents at the time of her arrest and conviction.

Does Matt count as justice involved through his relationship with his sister Alison?



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Matt's Story

NO!

Matt is not justice involved through his relationship with his sister. He was not her guardian or dependent and therefore he is not considered justice involved for the purpose of a CAURD application.



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Christopher's Story



Chris and Andy are brothers from Queens. When their parents died, Andy became legal guardian to his younger brother Chris who was a minor. Axel supported Chris and the two continued to live together in Queens. A few years later, Andy was arrested and convicted of Criminal Possession of Marijuana in the Fourth Degree (NYS PL §221.15).

Does Chris count as justice involved through his relationship with his older brother Andy?

Christopher's Story

YES!



Chris would count as justice involved through his relationship to his brother Axel. This is because his brother did become his legal guardian. If this had not been formalized or if Chris couldn't prove that he was dependent on his brother he would not be considered justice involved.

Not Only Justice Involved...

- Being justice involved (and having the paperwork to prove it) is only the first step
- The person who is justice involved **must also have business ownership experience**
 - This is known as “the qualifying business”
- Experience running or managing a business will not be enough
- Having a partner with business ownership experience is not enough



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Qualifying Business

- You'll be asked to submit information about and documents proving that the justice involved person owned a **Qualifying Business**
 - **Your proposed cannabis dispensary does not count as your qualifying business**
- The justice involved person doesn't have to currently own the business
- This doesn't have to be a retail business – other kinds of businesses will be accepted

Qualifying Business

- In order for it to count as a Qualifying Business you must show:
 - Justice Involved person **owned/controlled at least 10%** of the business
 - Business must have at least **two years of positive net profits** while the justice involved person was an owner
- You will be required to submit documentation (proof) of both the ownership and the net profits as part of your CAURD application
- A full list of acceptable documents/proof is posted on the OCM website under CAURD Application FAQs

What kind of businesses count as qualifying

- Any kind of business counts – no matter the type of services provided or where the business was located
- Different ownership structures do count – whether it was a sole proprietorship, a partnership, a corporation, LLC, or cooperative
- Some independent contractors may count – if you're unsure you can ask OCM by emailing: licensing@ocm.ny.gov



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Ben's Qualifying Business?

Ben is a justice involved person interested in applying for a CAURD license. For the past several years Ben has been working as a ride-share driver for both Uber and Lyft. Ben manages his own time and schedule as a driver and handles his own finances. He regularly interacts with customers as a ride-share driver and has been making profits as a driver for the past five years.



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**Does Ben's experience meet the
“Qualifying Business” requirement?**

Ben's Qualifying Business?

YES!

Ben's experience does count as a qualifying business. That experience, combined with his status as a justice involved person, means that Ben is eligible to apply for a CAURD license.

Ben would need to gather and submit documents related to his business experience including ownership paperwork and net profits.



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Lily's Qualifying Business?

Lily is a justice involved person who is interested in opening a retail cannabis dispensary. About five years ago, Lily became a Licensed Real Estate Salesperson in NYS. Lily currently works for a real estate company, representing both buyers and sellers. She manages her days, solicits her own clients, and receives commissions based on the sales she completes.



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**Does Lily's experience meet the
"Qualifying Business" requirement**

Lily's Qualifying Business?

YES

Lily's work as a real estate salesperson would count as a qualifying business for the purposes of CAURD.

As part of her application, she would need to submit documentation demonstrating her ownership/control of her real estate business as well as two years of net profits.



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Justin's Qualifying Business

Justin is a justice involved person who owned and operated a bakery in Poughkeepsie with his three brothers. Each sibling owned 33% of the business. The bakery was open from 2003 to 2010 and was profitable for five of those seven years. In 2010, the siblings decided to sell their business and have moved on to new careers. Justin now works as a nutritionist for a local hospital.



Does Justin previous experience co-owning the bakery count as a Qualifying Business?

Justin Qualifying Business

YES

Even though Justin business is closed, his previous experience owning and controlling his bakery does count.

He will need to submit paperwork showing his ownership structure as well as the two years of required net profits.



What is a “significant presence”?

- The person who is justice involved and owned a qualifying business must also have a **significant presence** in New York State
- This means that person must have at least one of the following

Residency

Live In

Assets

vehicles, land, etc.

Real Property

single, second,
and/or rental
homes

Bank Account

**Some other
connection to NYS**



Amaya's Presence



Amaya lived in Atlanta where she began a small business. She moved to Rochester three years ago and continues to run her business remotely. She is also justice involved and interested in applying to open a retail dispensary. Amaya rents an apartment but does not own property or a vehicle in NYS.

Does Amaya meet the definition of “significant presence” for a CAURD application?

Amaya's Presence



YES –

Amaya meets the significant presence requirement as she is living in NYS and has a lease.

Anthony's Presence



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Anthony is a business owner who lives and works in New Jersey. He was arrested and convicted of a marijuana-related offense in New York State 15 years ago. He's interested in opening a retail dispensary in New York and opened a bank account on July 1, 2022, to get ready for his dispensary.

Does Anthony meet the definition of significant presence for the CAURD license?

Anthony's Presence

YES –

Anthony has a bank account in New York, he meets the requirement for a significant presence for the purposes of the CAURD application.



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Does it all have to be the same person?

- Short Answer: **YES**
- The same individual who owns and controls or manages at least 30% of the planned retail dispensary must be all three:
 - 1) Justice Involved
 - 2) Experience Owning a Qualifying Business
 - 3) Have a Significant Presence in NYS



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Stay Connected to OCM

- Pay attention to regular updates on the OCM website
 - Staff are reviewing questions submitted to the Office and updating the FAQ section of the website
 - Be sure to read through the FAQs thoroughly as they will contain the most up to date information
- Additional online training is coming
 - OCM will be providing an additional recorded training on the application submission process closer to the application launch date
- Continue submitting questions to: licensing@ocm.ny.gov